

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

AUSTIN L HANSLEY,

Defendant.

Case No. 1:23-mj-181

MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT

The United States of America, through undersigned counsel, hereby respectfully moves this Honorable Court to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, from the date of the initial appearance, October 26, 2023, to the date of the currently-scheduled bench trial, January 25, 2024, for good cause shown. As discussed below, the United States has been unable to ascertain the position of the defendant on this motion. In support thereof, undersigned counsel states as follows:

1. On September 20, 2023, the defendant was charged by criminal information with a Class A misdemeanor, possession of a concealed weapon without a concealed handgun permit, in violation 18 U.S.C. § 13, assimilating Virginia Code Section 18.2-308. ECF No. 1. On October 23, 2023, the Court granted an unopposed defense motion to waive the defendant's physical appearance at the initial appearance. ECF No. 4. The initial appearance was held on October 26, 2023, without the defendant present. ECF No. 5. Defense counsel was advised of defendant's rights, as well as the charges and penalties. *Id.* The parties jointly requested a trial date of January 25, 2024, which the Court granted. *Id.*

2. The Speedy Trial Act, 18 U.S.C. § 3161(c)(1), requires that the trial of a defendant charged in an information occur within 70 days from the later of the filing of the information or the date on which the defendant appeared before a judicial officer in the court in which the information is pending. Absent a motion or order tolling the Speedy Trial clock, the trial in this case must commence by January 4, 2024. As previously noted, a bench trial for this case is currently scheduled for January 25, 2024, a date previously set by mutual agreement of the United States and defense counsel. ECF No. 4.

3. Pursuant to 18 U.S.C. § 3161(h)(7), the United States respectfully requests that this Court exclude time under the Speedy Trial Act from the date of the initial appearance, October 26, 2023, to the date of the currently-scheduled bench trial, January 25, 2024. The United States believes that such a delay would serve the ends of justice and would outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The additional time will permit the parties to review discovery, consider any relevant motions, continue plea negotiations, and, in the absence of an agreement to resolve the case, effectively prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

4. The United States has been unable to ascertain the position of the defendant on this motion. Undersigned counsel notified defense counsel on November 9, 2023, that the previously-requested trial date fell outside the speedy trial window, and undersigned counsel requested the defendant's position on a motion to exclude the time. Several weeks later, on November 27, 2023, undersigned counsel sent defense counsel a draft joint motion to exclude time to review with the defendant. Undersigned counsel subsequently followed up with defense counsel several times throughout December 2023. Most recently, on December 28, 2023, defense

counsel confirmed to undersigned counsel that the defendant has not communicated a position. Nevertheless, undersigned counsel reiterates that the January 25, 2024, trial date was set by mutual agreement of undersigned counsel, defense counsel, and the Court, at the defendant's initial appearance on October 26, 2023.

5. This is the first request in this case for an exclusion of time under the Speedy Trial Act.

6. WHEREFORE, the United States requests that the time period between October 26, 2023, and January 25, 2024, be excluded under the Speedy Trial Act.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: December 28, 2023

By: _____
Cameron M. Etchart
Special Assistant United States Attorney (LT)